

CITY COMMISSION MINUTES

February 15, 2011

7:00p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, February 15, 2011 with Mayor Mike Rhodes presiding.

The following members of the Commission were present: Terry Heldstab, Scott Johnson, Mike Rhodes, Ken Talley, and Jack Taylor. Staff present was: City Manager Gerry Vernon, City Attorney Catherine Logan, and City Clerk Tyler Ficken.

PUBLIC COMMENT

Rick Dykstra and Connie Hall of the Convention and Visitor's Bureau provided the Commission with the 2011 Visitor's Guide.

Jonice Pitts stated that she is requesting a waiver for use of the 12th Street Community Center and Heritage Park for Black History Month events and Juneteenth.

Kathy Rankin requested that the Commission provide a letter of support for her grant submission for an Our Town Grant. Commissioner Taylor moved, seconded by Commissioner Heldstab to allow the Mayor to sign a letter of support for the Our Town Grant. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

CONSENT AGENDA

The consideration and approval of **Appropriation Ordinance A-4-2011** dated January 27, 2011 through February 9, 2011 in the amount of \$678,953.34. Commissioner Taylor moved, seconded by Commissioner Johnson to approve the Consent Agenda as amended. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

Approval of the **February 1, 2011** City Commission Meeting Minutes. City Clerk Ficken stated that the minutes were amended to correct the time that the City Commission reconvened from executive session from 8:15PM to 8:05PM. Commissioner Taylor moved, seconded by Commissioner Johnson to approve the Consent Agenda as amended. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

Consideration and approval of a letter to Geary Community Hospital supporting Dr. Adjetey's request for a J-1 waiver. Commissioner Taylor moved, seconded by Commissioner Johnson to approve the Consent Agenda as amended. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

Consideration and approval for the Mayor to sign audit information form for the Kansas Department of Commerce. Commissioner Taylor moved, seconded by Commissioner Johnson to approve the Consent Agenda as amended. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

Consideration and approval to authorize payment to the State Treasurers' Office in the amount of \$3,401,194.09 for payment of bonds. Commissioner Taylor moved, seconded by Commissioner Johnson to approve the Consent Agenda as amended. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

NEW BUSINESS

Mayor Rhodes stated that the Commission will address item 8f first under New Business.

The consideration and approval of storm water billing for undeveloped properties. (Finance Director Beatty Presenting) Finance Director Beatty stated that the stormwater bill provided to the Commission is ready to be billed by the City in accordance with City code. She stated that fees for undeveloped lots have not been billed since April of 2009; the City spent time to create a way to bill the undeveloped lots. Commissioner Johnson stated his opinion on this stormwater issue: Christina Cook was the City Engineer and it is being found out that a good job of engineering was not done. Commissioner Johnson stated that people were told that if something was not done the City would not be allowed to run stormwater into the river. Commissioner Johnson stated that in conversation with Leon Osbourn, the City may be required to do something about the stormwater if the population grows past 25,000 people, but may not include a plant, but simply some buffer wetland. Commissioner Johnson stated that the current fees are too high, and undeveloped property should be a lot less. Commissioner Johnson stated that the people with the largest bills will not pay the fees and they have not been paying their taxes. Commissioner Johnson stated that he is not ready to charge these bills going back three years although he would like to on Bid D and Fritzell; he stated that he would like to get every penny they have or ever will have. Finance Director Beatty stated that the ordinance that was passed was in response to the Clean Water Act and to create a revenue source to pay for a plant or wetland areas; funds were also to be used to improve storm water infrastructure issues within the City. Finance Director Beatty stated that some of these funds are currently being used to pay down debt. Finance Director Beatty stated that a Stormwater Management Plan needs to be developed for future planning, as to determine how revenue will be used. Finance Director Beatty stated that the issue facing the Commission now is the bills for undeveloped property. Commissioner Johnson stated that the undeveloped lots are not contributing to the problem that the Clean Water Act is trying to fix; the government is just trying to tax everything they can. Commissioner Johnson stated that the Clean Water Act issue needs to be separated from the stormwater infrastructure repair issue. Finance Director Beatty stated that there is an appeal process for properties that have on site solutions for addressing stormwater runoff. Commissioner Johnson asked if City parks are required to pay. Finance Director Beatty stated that the City does not tax itself. Commissioner Johnson asked if school properties are required to pay. Finance director Beatty stated that school properties are charged the same as commercial properties. Commissioner Johnson stated that it does not make sense to charge for these patches of grass. Finance Director Beatty stated that schools have large parking lots. Mayor Rhodes stated that the issue at hand is the bills for undeveloped properties, and the discussion needs to be on that issue. Commissioner Johnson stated that this has been flawed from the start; Commissioner Johnson stated

that Christina Cook provided total misinformation about what this thing was about. Mayor Rhodes asked what proof there is of that. Commissioner Johnson stated that he has proof that just about everything the she designed is screwed up in the town; roads have had to be fixed two or three times, and she had to ask Leon Osbourn for answers at Commission meetings. Commissioner Johnson stated that he is right on this and Mayor Rhodes is wrong, and he is against sending out the bills. Commissioner Johnson stated that for every question from the Commission she had to turn around and ask Leon, and it happened for two years. Commissioner Taylor stated that this issue was presented to the Commission as urgent, and a \$5.00 fee was needed. Mayor Rhodes stated that the Commission was provided with a recommendation on this issue. Commissioner Taylor stated that the Commission was not presented with the alternatives that are now being discussed. Finance Director Beatty stated that most small communities charge two or three dollars, but four or five dollars is more common in larger Cities because of larger infrastructure requirements. Commissioner Taylor asked if not sending the bills would harm the budget. Finance Director Beatty stated that the City has budgeted for funds that are currently being taken in; the City adopted a policy and it is ready for implementation. City Manager Vernon stated that the Commission has options such as charging only for 2010 or 2011 moving forward. Commissioner Heldstab stated that the longer this is put off, the greater the hardship for people will be with a larger bill. Commissioner Johnson asked what would happen to the people who do not pay. Finance Director Beatty stated that the City would put a lien on the property; Finance Director Beatty stated that she plans to use the service of collection agencies and small claims court as well. Commissioner Johnson stated that one of the problem areas he saw from last summer was with the CoreFirst Bank owned property; he stated that CoreFirst is now putting in doublewides which will screw things up. City Manager Vernon stated that the simplest billing period would be for the year of 2010 which would be a 12 month period. Commissioner Heldstab asked if a payment plan would be available to people. Finance Director Beatty stated that the payment plans are available. Commissioner Taylor moved, seconded by Commissioner Heldstab to proceed with billing for 2010 while allowing for payment plans. Ayes: Heldstab, Rhodes, Taylor. Nays: Johnson, Talley. Motion carried.

The consideration and approval to remove the structure at 305 N Madison from condemnation. **(Mark Karmann Presenting)** Inspector Karmann stated that warm weather is needed to finish the house and can be finished in a weekend. Inspector Karmann stated that the Commission needs to either remove the home from the condemnation list, or the home will be condemned. Commissioner Taylor moved, seconded by Commissioner Johnson to remove the structure at 305 N. Madison from the condemnation list. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of a fee waiver for a Family Fun Day on February 26th at 12th Street Community Center and the Juneteenth Celebration on June 10th and 11th at Heritage Park. Recreation Director Haslouer stated that the City has provided the facility for use without a fee in the past; the waiver would result in \$265.00 in reduced revenue. Jonice Pitts stated that the fees should be waived because the facility is going to be open anyway. She stated that at the event people will learn about black history that is not well known. Commissioner Johnson stated that the city needs to keep the

fees and keep things fair for the community. Commissioner Heldstab stated that this is a good event, but waiving the fee would result in a slippery slope were the community will not expect to pay fees for exclusive facility use. Commissioner Johnson stated that the commission needs to not play favorites by waiving fees. Commissioner Taylor moved, seconded by Commissioner Johnson, to deny the requested waiver of fees.

The consideration and approval of G-1095 making it illegal to falsely impersonate a law enforcement officer. **(Chief Brown resenting)** Commissioner Taylor asked what kind of misdemeanor charge this would be. Chief Brown stated that it would be a class B misdemeanor. Commissioner Talley moved, seconded by Commissioner Heldstab to approve G-1095 on first reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval to accept the award of a FEMA grant to update radio communication equipment for the Junction City Fire Department. **(Chief Steinfort Presenting)** Chief Steinfort stated that the Fire Department received a grant award on February 4th to replace radio equipment. Commissioner Johnson asked if the current equipment still works. Chief Steinfort stated that the equipment works, but is 30 years old; there is also a FCC requirement to change radio frequencies by 2013 and the grant helps to pay for the change. Commissioner Talley asked how long it would be before the new equipment would be in use. Chief Steinfort said it would take more than six months. Commissioner Johnson stated that people need to call their representatives to let them know that the change is expensive and unnecessary. Commissioner Heldstab moved, seconded by Commissioner Talley to accept the FEMA grant to update radio communication equipment for the Junction City Fire Department. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of R-2635 to endorse the Junction City/Geary County consolidation effort and authorize the Mayor to establish a transitional consolidated chamber executive board. **(City Manager Vernon Presenting)** County Commissioner Ben Bennett stated that the consolidation effort is now at a point where there cannot be work going forward without the assistance of legal assistance; R-2635 would begin the process of creating legal documents for the boards involved. Commissioner Taylor asked if the transition board members are voting members. County Commissioner Bennett stated they it is a voting board in an advisory capacity. Commissioner Talley moved, seconded by Commissioner Johnson to approve R-2635. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration of a request from Beth Mathis and/or Jodie Wilkey, agents, on behalf of Steven and Norma Stanislow, owners, for rezoning of the south 55.58 feet of Lots 1 and 2, Block 36 of the Original Townsite of Junction City, located at 518 North Madison Street, from "CSP" Special Commercial to "RM" Multiple Family Residential District to allow the continued use of the property for single-family residential purposes. **(David Yearout Presenting)** Commissioner Taylor asked if a public hearing was held on this item. David Yearout stated that a public hearing was indeed held. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve S-3090 on first reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration of request from Kaw Valley Engineering, agent, on behalf of Edward W. Phillips, owners, for rezoning of Lot 1, Block 14 of the Original Townsite of Junction City, located at 239 West 9th Street, from "RM" Multiple Family Residential District to "PDD" Planned Development District for residential purposes to allow the property to be replatted into smaller lots for the continued use of the property for residential purposes. **(David Yearout Presenting)** Commissioner Heldstab moved, seconded by Commissioner Johnson to approve S-3091 on first reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration of the request from Mike Douchant, Dolan Realty Advisors, agent, for Verizon Wireless, lessee, on behalf of Highland Cemetery, owner, for a Special Use Permit to install a communications tower in the southeast corner of Highland Cemetery, with an address of 703 West Ash Street, Junction City, Kansas. **(David Yearout Presenting)** Commissioner Johnson asked how much the Cemetery Association would be paid for locating the tower on their property. David Yearout stated that he does not know the amount. David Yearout stated that the tower is not tall enough to require a light, and has been approved by the military. David Yearout stated that a valid protest petition has been filed with the City Clerk's office. A Verizon wireless representative stated that the plans have been changed to include a, 8ft wooden fence. Commissioner Taylor asked if other towers in town would be removed as a result of this tower. The Verizon Wireless representative stated that no other towers would be removed with this addition. The Verizon Wireless representative stated that the agreement would pay the Cemetery Association \$6,000.00 per year for the tower. Commissioner Johnson stated that he thought the amount was low. Commissioner Talley moved, seconded by Commissioner Taylor to send the item back to the MPC with the new information for reconsideration. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor, Nays: none. Motion carried.

The consideration of approval of the Final Plat of the Madison Street Addition, a replat of the Janke Addition and a portion of the Rexrode Addition to Junction City, Kansas; located on South Madison Street in Junction City, Kansas. **(David Yearout Presenting)** Commissioner Johnson moved, seconded by Commissioner Taylor to approve the Final Plat of the Madison Street Addition, a replat of the Janke Addition and a portion of the Rexrode Addition to Junction City, Kansas; located on South Madison Street in Junction City, Kansas. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

COMMISSIONER COMMENTS

Commissioner Johnson stated that people need to call state representatives Fawcett and Swanson to urge them to support HB 2189 that would allow the City to post notifications on the City website instead of in the newspaper at a cost.

Commissioner Taylor stated that he received a complaint on the cleanliness of the Animal Shelter. Commissioner Taylor stated that Davis and Schoenrock would like to present a project that was presented to the Commission in executive session to the

community. City Manager Vernon stated that he is in favor of the community learning about the project.

Commissioner Heldstab stated that Briana Walker did a great job with the lake jump event that raised money for the Animal Shelter. He thanked those who donated to the effort and Commissioner Johnson for taking the plunge.

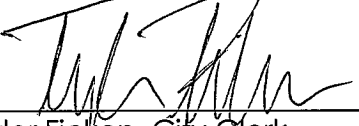
STAFF COMMENTS

City Manager Vernon stated that a summary of the CapGemini project will be posted to the website to answer questions that were posited at the meeting.

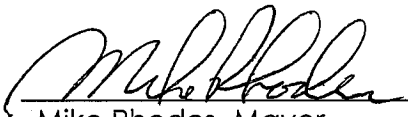
ADJOURNMENT

Commissioner Talley moved, seconded by Commissioner Heldstab to adjourn at 8:59 PM Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 1st DAY OF MARCH 2011 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR FEBRUARY 15, 2011.



Tyler Ficken, City Clerk



Mike Rhodes, Mayor